

REMARKS

Claims 1-9 and 11-18 are now pending in the application.

Claims 1, 12, 13, and 15 stand objected to.

Claim 15 stands rejected to under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 2, 4, 5, 7, 11, and 12-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kurz (EP 0 864 293).

Claims 3, 6, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kurz as applied to claim 1.

Claims 8, 9, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kurz as applied to claim 7.

Claims 1, 2, 11, 12, 13, and 15 have been amended. Claim 19 has been added.

The Claim Objections

Claims 1, 12, 13, and 15 stand objected to because they recite “assigning one of the transmitter holding positions to the transmitter received in the assigned transmitter holding position”. The Office Action states that this limitation appears to state that the assignment has already occurred and recommends using the language of e.g. claim 7 instead.

Claims 1, 12, 13, and 15 have been amended to use the language of claim 7 as suggested by the Office Action. Accordingly, Applicants request for the objections to the claims to be withdrawn.

The § 112 Rejections

Claim 15 stands rejected to under 35 U.S.C. § 112, second paragraph, because, according to the Office Action, the phrase “preferably” renders the claim indefinite in that it is unclear whether the limitations following the phase are part of the claimed invention.

Claim 15 has been amended to remove the phrase “preferably insertion slots.”. Although not presently rejected under § 112, claim 12 has been analogously amended. Reconsideration and withdrawal of the § 112 rejection is therefore respectfully requested.

The § 102 and 103 Rejections

Claim 1 is directed to a receiver unit for providing a communication in a telemetry system, comprising: a plurality of transmitter holding positions, each adapted for receiving a transmitter adapted for providing a wireless communicating with the receiver unit, and means for assigning one of the transmitter holding positions to the transmitter received in that transmitter holding position.

Applicants respectfully traverse the rejection under Kurz.

The specification states that “each one of the transmitters 20-40 is assigned during the contact phase to the respective slots 52-56 (as the corresponding transmitter holding position), into which the transmitter has been placed during the contact phase” (page 12, lines 24-27).

As described in the specification, this unique arrangement allows for the display of multiple measuring results on a display unit *in the same order as the arrangement of the transmitter holding positions in the corresponding receiver unit* (page 6, lines 21-23).

Applicants submit that Kurz completely fails to teach or suggest a receiver unit that “*assigns* one of a plurality of insertion slots” to a card received in that slot. Rather, the section of Kurz that is referenced in the Office Action as allegedly providing such a teaching (col. 4, line 30 – col. 5, line 18), simply describes a “contact phase” in which “a data communication takes place between the receiver 50 and the transmitter 20 (to be prepared for use) by means of the contact units 70 and 75...the receiver transfers information to the transmitter which indicates a free channel to be used by the transmitter for communicating with the receiver 50”.

Again, in Kurz, the receiver simply indicates the *channel to be used by the transmitter to communicate with the receiver* (this does not “*assign*” the transmitter to one of the (three, as shown) holding positions).

In maintaining its rejection, the Office Action reads the contact phase of Kurz as being an assignment of the relevant slot to the transmitter in the slot, as no other transmitter is communicating with the receiver via said slot. Such an interpretation of the word “assignment” is not correct in that such interpretation is not consistent with the meaning set forth in the present application.

The meaning of “assigning” is clear in light of the description. For example, at page 5, lines 21-25, the present application sets forth that in establishing the holding position assignment, the receiver unit as well as the transmitter can be the master, or, in other words, the receiver unit as well as the transmitter can drive the assignment process. The master has the labeling preset and transfers its own labeling to the slave during the assignment process. Further, at page 14, lines 12-19, the present application describes that, in the example of Fig. 2, a holding position indicator 230A of the display 95A shows three empty circles indicating the transmitter 20 is not assigned to any receiver. A slot label 230B of the display 95B shows a full circle between two empty circles, thus indicating that the transmitter 30 is assigned to the middle slot 54 of the receiver unit 50. This information helps the user place back a transmitter into the correct receiver slot after use. *See* page 14, lines 7-8. Clearly, the description and use of the term “assignment” in the present application and claims is meant to convey more than simply the transmitter physically occupying a holding position as the Office Action suggests. By contrast, the “assignment” of the transmitter holding positions is maintained during wireless communication between the transmitter and the receiving unit. Accordingly, Applicants respectfully assert that Kurz does not teach or suggest means for assigning one of the transmitter holding positions to the transmitter received in that transmitter holding position as set forth in claim 1.

In light of the foregoing, reconsideration and withdrawal of the § 102(b) rejection of claim 1 is respectfully requested.

Claim 2 is directed to the receiver unit of claim 1, wherein the assignment between each transmitter and the respective transmitter holding position is maintained during the wireless communication until a new assignment will be made, or until the present assignment is reset or otherwise suspended or canceled.

Claim 2 has been amended to more clearly indicate that the assignment is maintained during the wireless communication. Reconsideration and withdrawal of the § 102(b) rejection of claim 2 is therefore respectfully requested.

Claims 4 and 5 ultimately depend from claim 1. For at least the reasons set forth above in connection with claim 1, Applicants assert that claims 4 and 5 are patentable over the prior art of record.

Claim 7 is directed to a transmitter adapted for providing a wireless communicating with a receiver unit in a telemetry system, wherein the receiver unit comprises a plurality of transmitter holding positions, each adapted for receiving one transmitter, the transmitter comprising: means for assigning the transmitter holding position to the transmitter received in that transmitter holding position.

The reasons for the patentability of claim 1 can be applied analogously to claim 7. Reconsideration and withdrawn of the § 102(b) rejection of claim 7 is therefore requested.

Claim 12 is directed to a telemetry system comprising: a receiver unit including a plurality of transmitter holding positions, each adapted for receiving a transmitter, and means for assigning one of the transmitter holding positions to the transmitter received in that transmitter holding position; the transmitter comprising: means for assigning the transmitter holding position to the transmitter received in that transmitter holding position; each of the transmitter units being adapted for providing a wireless communicating with the receiver unit.

In addition to the amendment noted above along with the § 112 rejection of claim 15, claim 12 has been amended to remove the redundant language related to the transmitter being “adapted for providing a wireless communicating with the receiver unit”. Claim 12 has also been amended to remove an erroneous limitation related to the transmitter unit “including a plurality of transmitter holding positions, each adapted for receiving one transmitter”.

The reasons for patentability of claim 1 can be applied analogously to claim 12. Accordingly, Applicants respectfully assert that claim 12 is patentable over the prior art of record.

Claim 11 is directed to a method for assigning a transmitter to a respective transmitter holding position in a telemetry system of claim 12, comprising the steps of: bringing a receiver contact unit of the respective transmitter holding position and a transmitter contact unit of the transmitter into contact, and automatically assigning the transmitter to the respective transmitter holding position during said contact.

Claim 11 has been amended to clarify that assigning the transmitter to the respective transmitter holding position is performed during contact between the receiver contact unit and transmitter contact unit.

As noted above in connection with claim 1, Kurz does not teach or suggest such assignment being made. Accordingly, reconsideration and withdrawal of the § 102(b) rejection of claim 11 is respectfully requested.

As with claim 1, each of **claims 13-15** include a limitation similar to means for assigning the transmitter holding position to the transmitter received in that transmitter holding position. For at least the reasons set forth above in connection with the patentability of claim 1, Applicants assert that claims 13-15 are patentable over the prior art of record.

Claim 19 is directed to a receiver unit as set forth in claim 1 wherein the assignment between the transmitter and the transmitter holding position is maintained during the wireless communication.

Claim 19 has been added to more clearly set forth the limitation of the assignment being maintained during wireless communication. Applicants respectfully assert that claim 19 is patentable over the prior art of record.

Dependent **claims 3, 6, 8, 9, 16, 17, and 18** are believed to be clearly patentable over the art of record for all of the reasons indicated above with respect to their related independent claims. and even further distinguish over Kurz by reciting additional limitations.

With regard to the rejection of dependent Claims 3, 6 and 8, as being unpatentable over Kurz, Applicants respectfully note that the teachings of Richman, cited by the Examiner to support the statement that it was “notoriously well-known in the art...to utilize such (i.e., a warning signal) when a card is inserted or removed” – do not address the actual limitation of the claims. Specifically, Claims 3, 6 and 8 recite “warning means for providing a warning signal when the transmitter is placed into a transmitter holding position to which it has not been assigned”; “a receiver display for signaling when a transmitter is positioned in a transmitter holding position to which it is not assigned”; and “a transmitter display for signaling when the transmitter is positioned in a transmitter holding position to which it is not assigned”, respectively. Richman merely discusses “surprise style” card removal, and does not teach or suggest providing a warning or signaling when a transmitter card is placed into a position to which it is not assigned.

In addition, dependent claim 9 recites that the “transmitter display comprises means for indicating the correct transmitter holding position” and claim 17 recites that the “means for

indicating the correct transmitter holding position comprises a pictogram”. The Office Action states that “using a picture to show the proper insertion technique would have been an obvious modification...to allow the device to be used properly, especially by those without technical skills”. Applicants respectfully submit that the claim does not simply recite a “picture to show *proper insertion technique*” – but rather a means for indicating the correct transmitter holding position – this is not an insertion ‘technique’, but rather a specific “position”.

Conclusion

Applicants submit that claims 1-9 and 11-19 distinguish patentably and non-obviously over the prior art of record and are in condition for allowance. An early indication of allowability is earnestly solicited.

Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the Applicants' undersigned attorney at (440) 483-4281 in order that any outstanding issues be resolved.

If any fees are due in connection with this Amendment B and Request for Reconsideration, the authorization to charge deposit account 14-1270 for such fees is hereby provided.

Respectfully submitted,



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